

Statement of Chairman Candice S. Miller
Chairman
Subcommittee on Regulatory Affairs
Committee on Government Reform
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Good morning, ladies and gentlemen.

The American public is often frustrated by regulations because they don't understand what the rules mean. Citizens are so confused by the "language of the bureaucrats" that they question whether or not a regulation applies to them. Americans want regulators to write the rules in simple English—easy to read and understand, easy to follow and, therefore, easy for them to comply with the rules.

For centuries, government officials proposed that rules be written in plain language. In fact, James Madison wrote in the Federalist Papers that, "It will be of little avail to the people...if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood."

If the Founding Fathers read the Code of Federal Regulations today, they would be simply amazed at the complexity of the regulations put forth by our government.

One agency drafted a rule that said—"When the process of freeing a vehicle that has been stuck results in ruts or holes, the operator will fill the rut or hole created by such activity before removing the vehicle from the immediate area." Anyone seeing this has to read it several times before understanding what the requirement was.

Plain language techniques are used to clarify requirements and remove clutter. Stating this example plainly, the rule should read—"If you make a hole while freeing a stuck vehicle, you must fill the hole before you drive away."

The use of plain language in crafting regulations is a common sense approach to saving the federal government and the American public time, effort, and money. By writing a regulation in plain language, everyone—from the small business owner who must comply with the regulation to the agency that enforces it—will know the regulation's purpose, requirements, and consequences.

Every year, federal agencies write and enforce thousands of rules that range from allowing boat races on various waterways to registering food facilities to prevent bioterrorism. However, the average American citizen or small business owner affected by these rules oftentimes does not fully understand their impact and their compliance requirements. Many regulations use ambiguous terms, complex sentences, and jargon, that only a few understand.

You shouldn't need a lawyer to figure out if you qualify for a small business loan. Citizens find themselves facing sanctions and penalties because they fail to understand the requirements within the rules. They want to comply with the law, but the complexity of many rules inherently causes a failure to comply.

I have to ask you to bear with me here. Before using plain language, a Department of Commerce rule said, "After notification of NMFS, this final rule requires all CA/OR DGN vessel operators to have attended one Skipper Education Workshop after all workshops have been convened by NMFS in September 1997. CA/OR DGN vessel operators are required to attend Skipper Education Workshops at annual intervals thereafter, unless that requirement is waived by NMFS. NMFS will provide sufficient advance notice to vessel operators by mail prior to convening workshops."

After revising the rule using plain language techniques, any vessel operator would know the requirements of that rule—"After notification from NMFS, vessel operators must attend a skipper education workshop before beginning to fish each fishing season."

Congress knows that American citizens and businesses still struggle to understand the many rules that they need to follow which are confusing and unreadable. The need for readable regulations continues. Therefore, I am pleased to announce that Mr. Lynch and I have introduced legislation—H.R. 4809, the "Regulation in Plain Act of 2006"—that will require agencies to incorporate the concepts of plain language into their rule making process. By requiring agencies to use plain language, the public will be able to participate in the regulatory process in a more meaningful and substantive manner.

I am eager to have a dialogue about how regulators can incorporate these concepts in drafting regulations for the American public. As one of today's witnesses wrote in 1996, using plain language (1) streamlines procedures and paperwork, and (2) reduces confusion, complaints, and claims, and improves customer satisfaction.

I look forward to the testimony of all of our witnesses today. I'll now recognize Mr. Lynch for his opening statement.